

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Kevin Wayne McDaniels, #254398	)	
<i>aka Kevin W. McDaniels,</i>	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Civil Action No.: 4:09-1732-TLW-TER
	)	
S.C. Dept. of Corrections <u>et. al</u> ,	)	
	)	
Defendants.	)	
_____	)	

**ORDER**

Plaintiff, Kevin Wayne McDaniels (“plaintiff”), brought this civil action, *pro se*, pursuant to 42 U.S.C. § 1983. (Doc. #1).

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Thomas E. Rogers, III, to whom this case had previously been assigned. (Doc. #78). In the Report, the Magistrate Judge recommends that the District Court dismiss defendants “Richland County” and “staff of the Alvin S. Glenn Detention Center” without prejudice and without issuance and service of process. (Doc. #78). The Magistrate Judge further recommends that the plaintiff’s motions for temporary restraining order and preliminary injunction, (Doc. #4, #20, #41), and the plaintiff’s motion for default judgment, (Doc. #39), be denied. (Doc. #78). The plaintiff filed objections to the report. (Doc. #109). In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections...The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However,

the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992)

(citations omitted).

In light of the standard set forth in Wallace, the Court has reviewed, de novo, the Report and the objections. After careful review of the Report and objections thereto, the Court **ACCEPTS** the Report. (Doc. #78). For the reasons articulated by the Magistrate Judge, defendants “Richland County” and “staff of the Alvin S. Glenn Detention Center” are hereby **DISMISSED** without prejudice and without issuance and service of process; the plaintiff's motions for temporary restraining order and preliminary injunction, (Doc. #4, #20, #41), are hereby **DENIED**; and the plaintiff's motion for default judgment, (Doc. #39), is hereby **DENIED**.

**IT IS SO ORDERED.**

s/Terry L. Wooten  
United States District Judge

December 15, 2009  
Florence, South Carolina